

Appl. No. 10/740,261
Docket No. 9475
Reply dated March 29, 2010
Reply to Office Action mailed on January 27, 2010
Customer No. 27752

REMARKS

Claim Status

Claims 1-5, 8-15, and 18-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one U.S. Patent No. 2,113,431, U.S. Patent No. 3,034,180, U.S. Patent No. 5,245,025, or U.S. Patent No. 5,328,565

Claims 1, 5, and 18-20 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan, et al. ("Trokhan '595") in view of any one U.S. Patent No. 2,113,431 to Milliken ("Milliken"), U.S. Patent No. 3,034,180 to Greiner, et al ("Greiner"), U.S. Patent No. 5,245,025 to Trokhan, et al. ("Trokhan '025"), or U.S. Patent No. 5,328,565 to Rasch, et al. ("Rasch"). The Examiner asserts that Trokhan discloses a fibrous tissue structure comprising at least two randomly distributed layers wherein at least one of the layers of the structure includes long cellulosic fibers, at least one of the layers includes short cellulosic fibers, and that synthetic fibers may be used in combination with the cellulosic fibers. The Examiner further asserts that Trokhan discloses that at least one layer is disposed on the layer comprising the long cellulosic fibers. The Examiner recognizes that Trokhan does not appear to specifically mention that the layer is disposed on the layer comprising the long cellulosic fibers in a non-random pattern of regions of different basis weight. The Examiner asserts that the secondary references: Milliken, Greiner, Trokhan '025, and Rasch teach that it is known in the tissue paper art to dispose an outer layer in a non-random pattern of regions of different basis weight motivated by a desire to increase performance, increase fluid permeability, and/or improve appearance.

Applicants respectfully submit that Trokhan '595 in view of any one of Milliken, Greiner, Trokhan '025, and Rasch fails to teach each and every element of Claim 1, the independent claim, because Trokhan '025 in view of Milliken, Greiner, Trokhan '595, and Rasch fail to teach a layer comprising a mixture of short cellulosic fibers and synthetic fibers that is disposed on a layer of long cellulosic fibers in a non-random

pattern of regions of different basis weight wherein the non-random pattern comprises regions that contain the mixture of short cellulosic fibers and synthetic fibers and regions that are void of the mixture.

Applicants submit that Milliken fails to teach a layer comprising a mixture of short cellulosic fibers and synthetic fibers that is disposed on a layer of long cellulosic fibers in a non-random pattern of regions of different basis weight wherein the non-random pattern comprises regions that contain the mixture of short cellulosic fibers and synthetic fibers and regions that are void of the mixture. Applicants submit that Milliken teaches a tissue that has apertures that extend through the entire thickness of the tissue. Therefore, even if Milliken taught a tissue comprising two layers, which Applicants submit it does not, the two layers would be coextensive since the apertures would extend through both layers therefore one layer would not be disposed on the other layer in a non-random pattern.

Applicants submit that Greiner fails to teach a layer comprising a mixture of short cellulosic fibers and synthetic fibers that is disposed on a layer of long cellulosic fibers in a non-random pattern of regions of different basis weight wherein the non-random pattern comprises regions that contain the mixture of short cellulosic fibers and synthetic fibers and regions that are void of the mixture. Applicants submit that Greiner teaches a tissue that has apertures that extend through the entire thickness of the tissue. Therefore, even if Greiner taught a tissue comprising two layers, which Applicants submit it does not, the two layers would be coextensive since the apertures would extend through both layers therefore one layer would not be disposed on the other layer in a non-random pattern.

Applicants submit that Trokhan '025 fails to teach a layer comprising a mixture of short cellulosic fibers and synthetic fibers that is disposed on a layer of long cellulosic fibers in a non-random pattern of regions of different basis weight wherein the non-random pattern comprises regions that contain the mixture of short cellulosic fibers and synthetic fibers and regions that are void of the mixture. Applicants submit that Trokhan '025 teaches a tissue that has at least three regions disposed in a non-random repeating pattern, wherein the regions differ in basis weight. Applicants submit that Trokhan '025 fails to teach a layer comprising a mixture of short cellulosic fibers and synthetic fibers that is disposed in regions of that contain the mixture and regions that are void of the mixture on a layer comprising long cellulosic fibers. Applicants submit that Trokhan

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'025's layers are coextensive such that the one layer is not disposed on the other layer in a non-random pattern comprising regions that are void of the fiber mixture of one layer.

Applicants submit that Rasch fails to teach a layer comprising a mixture of short cellulosic fibers and synthetic fibers that is disposed on a layer of long cellulosic fibers in a non-random pattern of regions of different basis weight wherein the non-random pattern comprises regions that contain the mixture of short cellulosic fibers and synthetic fibers and regions that are void of the mixture. Applicants submit that Rasch teaches a tissue that has at least three regions disposed in a non-random repeating pattern, wherein the regions differ in basis weight. Applicants submit that Rasch fails to teach a layer comprising a mixture of short cellulosic fibers and synthetic fibers that is disposed in regions of that contain the mixture and regions that are void of the mixture on a layer comprising long cellulosic fibers. Applicants submit that Rasch's layers are coextensive such that the one layer is not disposed on the other layer in a non-random pattern comprising regions that are void of the fiber mixture of one layer.

In light of the foregoing, Applicants submit that Claim 1 is not rendered obvious over Trokhan '525 in view of any one of Milliken, Greiner, Trokhan '025, and Rasch. MPEP 2143.03. Further, Applicants submit that Claims 5 and 18-20, which ultimately depend from Claim 1, are not rendered obvious over Trokhan '525 in view of any one of Milliken, Greiner, Trokhan '025, and Rasch. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one U.S. Patent No. 2,113,431, U.S. Patent No. 3,034,180, U.S. Patent No. 5,245,025, or U.S. Patent No. 5,328,565, and further in view of U.S. Patent No. 6,548,731

Claims 2 and 3 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan '595 in view of any one Milliken, Greiner, Trokhan '025, or Rasch, all discussed above, and further in view of U.S. Patent No. 6,548,731 to Mizutani, et al. ("Mizutani").

Applicants submit that Claims 2 and 3, which ultimately depend from Claim 1, are not rendered obvious over Trokhan '595 in view of any one Milliken, Greiner, Trokhan '025, or Rasch, all discussed above, and further in view of Mizutani. MPEP 2143.03.

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Claims 4, 8-12, and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan `595 in view of any one Milliken, Greiner, Trokhan `025, or Rasch, all discussed above, and further in view of WO 93/14267 to Manning (“Manning”).

Applicants submit that Claims 4, 8-12, and 15, which ultimately depend from Claim 1, are not rendered obvious over Trokhan `595 in view of any one Milliken, Greiner, Trokhan `025, or Rasch, all discussed above, and further in view of Manning. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one U.S. Patent No. 2,113,431, U.S. Patent No. 3,034,180, U.S. Patent No. 5,245,025, or U.S. Patent No. 5,328,565, and further in view of U.S. Patent No. 4,202,959

Claim 9 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan `595 in view of any one Milliken, Greiner, Trokhan `025, or Rasch, all discussed above, and further in view of U.S. Patent No. 4,202,959 to Henbest, et al. (“Henbest”).

Applicants submit that Claim 9, which ultimately depends from Claim 1, is not rendered obvious over Trokhan `595 in view of any one Milliken, Greiner, Trokhan `025, or Rasch, all discussed above, and further in view of Henbest. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,538,595 in view of any one U.S. Patent No. 2,113,431, U.S. Patent No. 3,034,180, U.S. Patent No. 5,245,025, or U.S. Patent No. 5,328,565, and further in view of any one U.S. Patent No. 5,405,499 or U.S. Patent No. 5,409,572

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan `595 in view of any one Milliken, Greiner, Trokhan `025, or Rasch, all discussed above, and further in view of any one of U.S.

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Patent No. 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw, et al. ("Kershaw").

Applicants submit that Claims 13 and 14, which ultimately depend from Claim 1, are not rendered obvious over Trokhan '595 in view of any one Milliken, Greiner, Trokhan '025, or Rasch, all discussed above, and further in view of Vinson or Kershaw. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /C. Brant Cook/
Signature
C. Brant Cook
Registration No. 39,151
(513) 983-1004

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